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COMMONWEALTH OF MASSACHUSETTS

AGRICULTURAL PRESERVATION RESTRICTION

I, (We) Joseph Perry, Jr, of
Westport, Bristol County, Massachusetts (the
"Grantor"), being married (or an individual, trust or corporation
organized . . .), with an address at
Off Adamsville Road
Westport

for consideration of Ninety thousand dollars
(\$ 90,000.00) paid, grant to the Commonwealth of Massachusetts
acting through the Commissioner of Food and Agriculture (the "Commissioner")
with an address at 100 Cambridge Street, Boston, Massachusetts, its
successors and assigns ("the "Grantee"), and the Town of
Westport acting through its Conservation Commission
an Agricultural Preservation Restriction (the "Restriction") in perpetuity
on those parcels of land located in the Municipality of Westport
and described in Exhibit A attached hereto and incorporated herein by
reference (the "Premises") in accordance with the following terms and
conditions:

A. The Grantor covenants for themselves, their heirs,
devisees, legal representatives, successors and assigns, that the Premises
will at all times be held, used and conveyed subject to, and not used
in violation of, the following restrictions as said restrictions may be
limited or affected by the provisions of Paragraph B below:

- (1) No building, residential dwelling, tennis court, artificial swimming pool, asphalt driveway, road, parking lot, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure or improvement requiring construction shall be constructed, placed or permitted to remain on the Premises, except structures existing on the Premises at the time of the execution of this Restriction.
- (2) No loam, peat, gravel, soil, sand, rock or other mineral resource, or natural deposit shall be excavated, dredged, or removed from the Premises unless approved by the Grantee under Section C, herein.

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APPROVED BY: Daniel Carter, State Purchasing Agent

- (3) No soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, low level radioactive or hazardous waste or other substance or material whatsoever shall be placed, stored, dumped or permitted to remain on the Premises except in connection with the agricultural use of the Premises.
- (4) No use shall be made of the Premises, and no activity thereon shall be permitted which is or may be inconsistent with the intent of this grant, being the perpetual protection and preservation of agricultural lands. No activity, including, but not limited to, drainage or flood control activities shall be carried on which is detrimental to the actual or potential agricultural use of the Premises, or detrimental to water conservation, soil conservation, or to good agricultural and/or forestry management practices or which is otherwise wasteful of the natural resources of the Commonwealth of Massachusetts.
- (5) The Premises shall be conveyed as a unit, whether or not said Premises are comprised, as of the date of this Restriction, of more than one separate legal parcel. No subdivision or division of the Premises, or any portion thereof into two or more lots, whether new or existing as of the date of this Restriction, shall be permitted except that, in accordance with the procedures set forth under Section C herein, the Grantee may in its discretion approve such division of land as it deems necessary to further the purposes of this Restriction and General Laws Chapter 184 and 132A.
- (6) No use or development of the Premises other than for agricultural purposes shall be permitted, including the construction and/or placement of one or more dwelling unit(s) on the Premises.

6. Notwithstanding any provision of this instrument to the contrary, the Grantor hereby reserves to and for themselves and their heirs, devisees, legal representatives, successors and assigns, all other customary rights and privileges of ownership including the right to privacy and to carry out regular agricultural practices, and the right to conduct or permit the following activities on the Premises:

- (1) The maintenance and use of existing trails and farm and wood roads on the Premises, substantially in their present condition or as reasonably necessary for the uses thereof or hereinafter permitted.
- (2) The construction or placing of buildings or structures for agricultural purposes only, including buildings for related retail sales, structures for housing seasonal agricultural employees or other agriculturally related purposes, all subject to the prior written approval of the Grantee as provided in Paragraph C hereof.

- (3) The installation, maintenance, repair, replacement, removal and relocation of utility facilities and services over the Premises for the purpose of providing utility services to the Premises and unrestricted land of the Grantor as shown on Exhibit B attached hereto and incorporated by reference, and the right to grant easements over the Premises for such utility purposes in accordance with the provisions of Massachusetts General Laws, Chapter 184, Section 32. As used herein, the term "utility facilities and services" shall not include sanitary disposal systems serving any residential or non-residential use of land.

C. The parties hereby covenant and agree that prior to the construction of any building or structure provided for in Paragraph B (2) and for all other approvals required from the Grantee relative to this Restriction, the following procedure shall be followed:

- (1) The Grantor shall notify the Grantee, in writing of any intended use or intent to engage in any activity when such use or activity (including construction) requires approval hereunder, and shall submit to the Grantee plans and such other information as the Grantee requires to reasonably determine that the use, activity, structure or building is consistent with the purpose of this Agricultural Preservation Restriction. Prior to making an application for approval under this section, the owner shall not secure other applicable permits required by local law, prior to notifying the holder(s) of the restriction of an intended use, activity, or structure requiring approval.
- (2) The Grantee shall approve, with or without conditions, only upon finding that (a) the proposed use, activity, structure or building is authorized by this Agricultural Preservation Restriction General Laws Chapter 184 and 132A, (b) that said use, activity, structure or building shall not defeat or derogate from the intent of this Agricultural Preservation Restriction to provide for the perpetual protection and preservation of agricultural lands, and (c) in the case of a co-holder that the co-holder has made findings under (a) and (b)

of this paragraph. If based on said findings, the Grantee shall approve, or approve with conditions said request, it shall issue a certificate of approval suitable for recording. Said certificate shall include the language of Paragraph A. (5) of this restriction. If the Grantee is unable to make the findings necessary for approval it shall state in writing its reason therefore to the Grantor.

- (3) The Grantee reserves the right to inspect approved use, activity, structure or building for conformity with its Certificate of Approval. In the case of a building or structure, upon its satisfactory completion in accordance with said approval, the Grantee shall issue to the Grantor a Certificate of Completion in recordable form, which when executed by the Commissioner of Food and Agriculture and duly recorded shall be binding on all co-holders of this restriction.

The foregoing Restriction is authorized by Massachusetts General Laws Chapter 184, Sections 31 through 33, and Chapter 132A, Sections 11A through 11D, and otherwise by law, and is intended to insure the protection and preservation of agricultural lands.

This Agricultural Preservation Restriction shall be administered on behalf of the Grantee by the Commissioner, or if jointly held with a municipality, jointly and severally, by the Board of Selectmen and Conservation Commission or where no such conservation commission has been established, as otherwise provided by General Laws, Chapter 132A, Section 11A. This restriction shall be enforced by the Grantee as it in its sole discretion may decide. Nothing herein shall impose upon the Grantee any duty to maintain or require that the Premises be maintained in any particular state or condition, notwithstanding the Grantee's acceptance hereof.

The Agricultural Preservation Restriction hereby conveyed does not grant to the Grantee, to the public, or to any other person any right to enter upon the Premises, except that the Grantor hereby grants to the Grantee and its successors at law thereto, the right to enter the Premises in a reasonable manner and at reasonable times, for the purpose of inspecting the Premises to determine compliance herewith, of enforcing this Agricultural Preservation Restriction, or of taking any and all actions with

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respect to the Premises as may be necessary or appropriate with or without order of court, to remedy or abate any violation hereof. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for enforcement of this Agricultural Preservation Restriction.

The Agricultural Preservation Restriction hereby imposed is in gross and is not for the benefit of or appurtenant to any particular land and shall be assignable to any other governmental or any non-governmental non-profit organization whose purposes include conservation of natural areas. The burden of this Agricultural Preservation Restriction hereby imposed shall run with the premises and shall be binding upon all future owners of any interest therein. This restriction may only be released, in whole or in part, by the Grantee by the procedures established by Section 32 of Chapter 184 of the General Laws, as amended.

If any section or provision of the restriction shall be held to be unenforceable by any court of competent jurisdiction, this restriction shall be construed as though such section had not been included in it. If any section or provision of the restriction shall be subject to two constructions, one of which would render such section or provision invalid, then such section or provision shall be given the construction that would render it valid. If any section or provision of this deed restriction is ambiguous, it shall be interpreted in accordance with the policy and provisions expressed in the General Laws, Chapter 184, Sections 31 through 33 and General Laws, Chapter 132A, Sections 11A through 11D and the regulations promulgated in accordance with said Chapters.

This instrument is not a deed. It does not purport to a transfer of a fee interest to the Grantee. No Massachusetts deed excise tax stamps are affixed hereto as none are required by General Laws Chapter 64D, Section 1 as amended.

WITNESS the execution hereof under seal this 15th day ofApril, 1988.

Joseph Perry, Jr.
Joseph Perry, Jr.

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

April 15, 1988

Then personally appeared the above-named Joseph Perry, Jr.
and acknowledged
the foregoing instrument to be his free act and deed, before me.

Richard P. Desjardins
Notary Public, Richard P. Desjardins
My Commission Expires 6/23/89

APPROVAL OF THE

COMMONWEALTH OF MASSACHUSETTS

The undersigned Commissioner of Food and Agriculture of the Commonwealth of Massachusetts hereby certifies that the foregoing Agricultural Preservation Restriction granted by Joseph Perry, Jr. to the Commonwealth of Massachusetts and Municipality of Westport with respect to parcels of land located in Westport Massachusetts described therein has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32 through 33 and Chapter 132A, Section 11A through 11D.

Date 4/22/88COMMONWEALTH OF MASSACHUSETTS

By: Richard P. Desjardins
Commissioner of Food and Agriculture

COMMONWEALTH OF MASSACHUSETTS

Wareham, ss.

April 22, 1988

Then personally appeared the above-named August Salmeri and
acknowledged the foregoing to be his free act and deed, before me.

Deanna M. Thomas
Notary Public
My Commission Expires 1-20-93

BK 2206 Pg 0328

Approved as to Form
Department of the Attorney
General

By:

David Kaffey

Date:

7/22/88

Approved in accordance with
Chapter 579 of the Acts of
1980, (as amended)

By:

John H. Bradshaw

Deputy Commissioner of
Capitol Planning and
Operations

Date:

27 June 88

APPROVAL OF THE
MUNICIPALITY OF Westport

We, the Board of Selectmen (City Council) of the Town (City)
of Westport, hereby approve the acceptance of the foregoing
Agricultural Preservation Restriction granted by Joseph Perry, Jr.
to the Town (City) and
The Commonwealth of Massachusetts, with respect to parcels of land located in
Westport, Massachusetts described therein in the public interest
pursuant to Massachusetts General Laws, Chapter 184, Sections 31
through and including 33 and, Chapter 132A, Sections 11A through 11D.

Date:

May 9, 1988

BOARD OF SELECTMEN
CITY COUNCIL

William R. Hammond
Chairman
Council

Ronald A. Desrosiers
Selectman
Councilor

George T. Leach, Jr.
Selectman
Councilor

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

May 9, 1988

Then personally appeared the above-named William R. Hammond, Ronald A. Desrosiers
and acknowledged the foregoing to be his free act and deed, before me, George T. Leach, Jr.

Charlene R. Wood
Notary Public
My Commission Expires 10/24/91

EXHIBIT A

The land situated in the Town of Westport, being a farm of about ~~EIGHTY~~ ⁽⁸⁰⁾ acres of land, composed of one parcel, bounded and described as follows:

PROPERTY UNDER AGRICULTURAL RESTRICTIONS

Beginning at a point approximately Nine Hundred Twenty-five (925) feet southerly from the southerly line of Adamsville Road at a corner formed by the property line of David Wing Estate, et al, and land of Samuel Hadfield, Jr., et al, said land being called "Wyatt Wood Lot" and running northeasterly by said David Wing Estate land Two Hundred Sixty (260) feet for a corner and running northerly ten (10) feet by said David Wing Estate land for an angle to land of Manuel Carreiro, et ux, for a corner; thence, turning and running southeasterly by said Carreiro land, Two Hundred Thirty (230) feet for a corner; thence, turning and running southerly by said Carreiro land Ten (10) feet for a corner; thence, turning and running southeasterly by said Carreiro land Five Hundred Twenty (520) feet forming an angle of about one (1) degree at the junction of said Carreiro land and the land of Daniel Souza at a point approximately One Thousand Three Hundred Seventy-five (1,375) feet southerly from the southerly line of Adamsville Road as measured by the Souza-Carreiro property lines and turning southerly and running southeasterly by said land of Daniel Souza Eight Hundred Twenty (820) feet by said Souza land to other land of Daniel Souza for a corner at an angle of about One Hundred Nineteen (119) degrees; thence, running southeasterly by said other Souza land One Thousand Six Hundred Twenty (1,620) feet to land of Betty Ann Metz for a corner at an angle of approximately Seventy-five (75) degrees; and thence running southwesterly by said Metz land One Thousand Nine Hundred Forty (1,940) feet to land hereinbefore referred to as Hadfield's Wyatt Wood Lot for a corner at an angle of about One Hundred Twenty (120) degrees; thence running northwesterly by said Wyatt Wood Lot Seven Hundred Thirty (730) feet to other Hadfield land first herein mentioned forming an angle of about One Hundred forty-five (145) degrees; and thence running northerly by first mentioned Hadfield land One Thousand Three Hundred Sixty-one and 25/100 (1,361.25) feet to land of D. Wing Estate, et al, hereinbefore mentioned and the point of beginning; containing about ~~Eighty~~ ⁽⁸⁰⁾ acres of land, more or less, with access to this land from first parcel described in a deed recorded with the Bristol County (S.D.) Registry of Deeds in Book 2041, Page 951.

Received & Recorded *Sept. 24, 1988* at 11 hrs. 48 min. A.M.

Attest: *John E. Jones* Register